

**MINUTES
TOWN COUNCIL MEETING
TUESDAY, APRIL 14, 2009 AT 7:15 PM
RICHARD E. MASTRANGELO CHAMBER
ADMINISTRATION BUILDING**

- 1. ROLL CALL:** A regular meeting of the Town Council was called to order at 7:15 pm, in the Richard E. Mastrangelo Chamber, Administration Building. Present for the meeting were Councilors Stephen P. Corbett, Marilyn M. Petitto Devaney, Susan G. Falkoff, Jonathan Hecht, John J. Lawn, Jr., Angeline B. Kounelis, Vincent J. Piccirilli, Jr., Vice President Mark S. Sideris and Council President Clyde L. Younger. Also present for the Town Manager Michael J. Driscoll, Town Attorney Mark Reich and Council Clerk Valerie Papas.

- 2. PLEDGE OF ALLEGIANCE**

A Moment of Silence was held for Katherine Fortier, the sister of Retirement Board Director Barbara Sheehan.

- 3. ACCEPTANCE OF MINUTES: March 10th & March 24th.** Councilor Piccirilli moved to accept the minutes of March 10th as amended, with agenda item 6B Rules and Ordinances report as written with no further revision required, seconded by Councilor Kounelis and adopted by voice vote.

Councilor Devaney moved to accept the minutes of March 24th, seconded by Councilor Lawn and adopted by voice vote.

PUBLIC FORUM: Russ Aricco, Fayette Street – spoke against the expenditure of monies for granite curbing. He noted that granite curbs are unnecessary and forces parking to one side of the street, in some cases. He asked that a compromise plan be worked out with approval of property owners and that a copy of the list for street/sidewalk improvements be made available to the public.

4. PUBLIC HEARING AND VOTE:

- a) Public hearing and vote on proposed Sewer fees. The Chair recognized Public Works Superintendent Gerald S. Mee, Jr., who provided an overview of the proposed sewer fees.

Following the review of proposed fees, the Chair opened up the hearing to the public. There being no comments, the hearing was closed.

Councilor Corbett stated that while we are presenting substantial charges, we should also be looking at the quality of our water. Councilor Corbett presented a used filter from a resident's home filter system. The filter was black.

Mr. Me stated that Watertown's water is from the MWRA and some of the best water in the country. The black, coating the filter – is from the iron content from lead pipes and indicates that the filter is doing its job as iron is ever present in the water system. He further noted that Public Works tests the water every week in 8 locations. Filters are not necessary.

Councilor Sideris asked Mr. Mee to clarify sewer fees with respect to fees regarding backup of sewer lines; he stated that fees should be passed on to the homeowner only if they are responsible for the backup due to what was put into their drain/sewer line and only when Public Works has to enter the home to clean a drain line.

Mr. Mee stated that Councilor Sideris is correct. Mr. Mee indicated that a backup is not difficult to determine. He stated that it is simple to determine the cause, location and fault of a backup. There is also a process for dispute of fees.

Councilor Devaney thanked Superintendent Mee and his staff for all their work and said that she would be voting "no" for all increases in sewer fees. She explained that she has received calls for years from homeowners about "backups" – that it could happen to anyone. She said that a resident should not be charged as it is difficult to prove it is not their fault. She further stated that she was voting against all increase in fees because these are difficult times for homeowners the unemployed to elderly with increasing taxes, water bills, health insurance and other bills.

Councilor Kounelis stated that there are backup issues on Keith Street and other known locations in town. She asked how Public Works determines who is at fault for the backup of the line.

Mr. Mee stated that when clearing a main line on a particular street, is no charge to any resident.

The Town Manager stated that this particular fee is related to a very specific service and to a specific house. Currently this fee is shared by all homeowners. The rate has been lowered from the previously proposed hourly rates to a flat fee of \$100.00. The Town Manager noted that folks who have never needed the service have been paying for it indirectly.

Councilor Falkoff moved to accept the proposed fees as recommended by the Public Works subcommittee, seconded by Councilor Piccirilli.

Councilor Falkoff stated that many communities do not provide this service at all, and if a community had to receive this service from a private contractor, it would be very expensive.

Councilor Kounelis moved to separate the vote into two votes; one for sewer backup fees and another vote for all other proposed fees, seconded by Councilor Sideris and adopted by voice vote.

Councilor Falkoff moved to approve the proposed flat fee of \$100.00 for backup service, seconded by Councilor Sideris and adopted by a roll call vote of 6 for and 3 against, with Councilors Devaney, Kounelis and Younger voting no.

Councilor Falkoff moved to approve all remaining fees, seconded by Councilor Lawn and adopted by a roll call vote of 8 for and 1 against, with Councilor Devaney voting no.

The Chair asked Mr. Mee to separate out the water filter and have it tested.

Councilor Sideris moved to Suspend the Rules in order to bring forward agenda item 7A a) Acceptance of the following proclamations recognizing: Former Library Board of Trustee member, Ann Bloom; Incoming Sons of Italy President Steve DeAngelis; the United States Army Field Band; and Armenian Martyr's Day, the Armenian Genocide Anniversary, seconded by Councilor Devaney and adopted by voice vote. The Chair read all three proclamations.

Councilor Devaney moved to accept the proclamation for Ms. Bloom, seconded by Councilor Sideris and adopted by voice vote.

Councilor Devaney moved to accept the proclamation for Mr. DeAngelis, seconded by Councilor Sideris and adopted by voice vote.

Councilor Falkoff moved to accept the proclamation for the US Army Field Band, seconded by Councilor Falkoff and adopted by voice vote. The Chair recognized Mr. Erickson, Veterans' Agent for his hard work on the concert. Mr. Erickson

thanked the veterans' groups, fire and police departments for their assistance and presented a framed picture from the band to the Council.

Councilor Sideris moved the proclamation recognizing the Armenian Genocide, seconded by Councilor Falkoff and adopted by voice vote. Councilor Devaney noted that she wrote the proclamation to honor the victims and survivors and thanked those who came tonight.

The Chair called for a three minute recess.

5. COMMITTEE REPORTS:

- a) Committee on State, Federal & Regional Government report and action on the reappointment of candidate to Election Commissioners – Susan G. Falkoff, Chair. Councilor Falkoff read the Committee Report (attached). Councilor Sideris moved to accept the report, seconded by Councilor Falkoff and adopted by voice vote. Councilor Falkoff moved the reappointment of Mr. David Downes to a four year appointment ending in 2013, seconded by Councilor Sideris and adopted by voice vote.

- b) Committee on Personnel and Town Organization report and a first reading on the compensation for the Town Auditor – Stephen P. Corbett, Chair. Councilor Corbett read the Committee Report (attached) and provided a first reading on the compensation figures for the Town Auditor. Councilor Sideris moved to accept the report (attached), seconded by Councilor Piccirilli and adopted by voice vote. The Chair noted that a first reading and vote will take place at the next Town Council meeting.

- c) Committee on Public Works report and action on a proposed Storm Water Advisory Committee – Susan G. Falkoff, Chair. Councilor Piccirilli read and moved to accept the Committee Report (attached), seconded by Councilor Falkoff. Councilor Falkoff read the proposed resolution on the Storm Water Advisory Committee.

Councilor Corbett moved to amend the resolution to give the Council President authority to appoint one citizen member, while the Town Manager appoints the other three citizens subject to confirmation of the Council.

The Chair recognized Mr. Mee who stated that he is not opposed to the amendment.

Councilor Falkoff asked how the amendment will improve the overall process and stated that it may make the process more cumbersome and was against changing the process for this one committee.

Councilor Corbett pointed out that the Council President has appointing authority to other committees, such as the building committees.

Councilor Devaney moved to amend the composition of citizens from 4 to 2, seconded by Councilor Lawn, for discussion purposes only, noting that this matter was debated in subcommittee.

Councilor Piccirilli concurred that the matter was debated and that the decision was to have 4 citizens in order to comply with an EPA regulation which asked communities to solicit citizen input into the decision making process. He noted that the committee felt that 4 citizens was a good balance. Upon a roll call vote on reducing the number from 4 to 2, the motion was defeated by 1 for and 8 against with Councilor Devaney voting in favor.

Upon a roll call vote to have 3 citizens appointed by the Manager subject to Council confirmation and 1 citizen appointed by the Council President, the motion was adopted by a vote of 7 for and 2 against, with Councilors Falkoff and Piccirilli voting no.

On the main motion as amended, the storm water advisory resolution was adopted by unanimous roll call vote.

- d) Committee on Education and School System Matters report on audio-visual improvements to the Richard E. Mastrangelo Council Chamber – Vincent J. Piccirilli, Jr., Chair. Councilor Piccirilli read the Committee Report (attached). Councilor Sideris moved to accept the report, seconded by Councilor Devaney. Adopted by voice vote. Councilor Piccirilli moved that the accessibilities issues be a separate action, referral and considered as phase two of the project, seconded by Councilor Devaney. Adopted by voice vote.

The Chair inquired if the lighting in the Chamber will be part of the improvements. Councilor Piccirilli stated that once new cameras are installed, they will take a second look and see what else is needed.

Councilor Falkoff asked that grass planting strips be referred to the Public Works subcommittee, seconded by Councilor Sideris and adopted by voice vote.

Councilor Sideris moved to Suspend the Rules for a late agenda item update on the State Budget crisis, seconded by Councilor Piccirilli and adopted by voice vote.

Councilor Hecht reported that the State budget is grim and that the State has realized that they are deeper in a hole than previously thought with a shortfall of 3-4 billion dollars. He noted that there will be deep cuts in all areas as well as a 15-20% cut in local aid compared to last year. Councilor Hecht indicated that we should adjust our thinking with respect to next year's budget. He noted that he hopes to hear from a special State Relief Commission; the situation is fluid and uncertain and Watertown needs to be conservative in its planning.

Councilor Devaney handed out and reviewed documents titled Governor Patrick Moves to Close Additional Budget Deficit and 2009 Recovery Plan.

6. MOTIONS, ORDERS AND RESOLUTIONS:

- a) Acceptance of the following proclamations recognizing: Former Library Board of Trustee member, Ann Bloom; Incoming Sons of Italy President Steve DeAngelis; the United States Army Field Band; and Armenian Martyr's Day, the Armenian Genocide Anniversary. **PREVIOUSLY ADOPTED.**
- b) Resolution Approving the Acceptance and Expenditure of a Gift of Funds in the amount of \$34, 000 from Tufts Health Plan to the Watertown Fire and Police Departments for the purchase of nine automatic external defibrillators and the offering of four RAD (Rape Aggression Defense) classes to the Watertown Community in calendar years 2009 and 2010. The Manager provided a brief overview of the resolution. Police Chief Deveau elaborated on the RAD program. Councilor Sideris moved to adopt the resolution, seconded by Councilor Piccirilli and adopted by unanimous roll call vote. Councilor Devaney moved to write a thank you letter to Tufts, seconded by Councilor Lawn and adopted voice vote.
- c) Resolution authorizing a transfer of \$774,561 from various Fiscal Year 2009 accounts to the Fiscal Year 2009 Other Financing Uses – Governor's 9C Mid-year Cut Account in order to avert a Fiscal Year 2009 revenue deficit as a result of the 9C Local Aid Cut. The Manager provided a brief overview of the transfer. Councilor Sideris moved to adopt the resolution, seconded by Councilor Kounelis and adopted by unanimous roll call vote.

- d) Resolution authorizing a transfer of \$1,207,800 from various Fiscal Year 2009 Accounts to various Fiscal Year 2009 Snow and Ice Removal Accounts in order to fund the Snow and Ice Removal Deficit. The Manager provided an overview of the transfer. Councilor Sideris moved the resolution, seconded by Councilor Falkoff and adopted by unanimous roll call vote.
- e) Resolution authorizing a transfer of \$1,710,141 from the Fiscal Year 2009 State Assessment – Retired Teachers Health Insurance to the Fiscal Year 2009 Insurance & Employee Benefit – Retired Teachers Health Insurance in order to align the expenditure of retired teachers' health insurance with how the Town will be accounting for all of its health insurance coverage effective July 1, 2009. The Manager provided a brief overview of the transfer. Councilor Sideris moved to adopt the resolution, seconded by Councilor Devaney and adopted by unanimous roll call vote.
- f) Resolution authorizing a transfer of \$ 17,897 from the Fiscal Year 2009 Town Council Reserve Account to the Fiscal Year 2009 Town Manager Full Time Salaries Account in order to adjust the Fiscal Year 2009 Budget to reflect the previously adopted Ordinances amending the Fiscal Years 2007, 2008 and 2009 Compensation of the Town Manager. The Manager provided an overview of the transfer. Councilor Sideris moved to adopt the resolution, seconded by Councilor Falkoff. Councilor Kounelis stated that although the Manager works hard and puts in long hours, she voted against his raise and as well as the Council Clerk's raise and to be consistent with her original vote, she will vote against the transfer. Councilor Devaney stated that she voted against the Manager's raise and will vote against the proposed transfer. The Chair stated that although he voted against the Manager's raise, he will be voting in favor of the transfer as the Manager's raise was adopted by the Council. Upon a roll call vote, the resolution was adopted 7 for 2 against, with Councilors Kounelis and Devaney voting no.
- g) Resolution authorizing a transfer of \$8,600 from the Fiscal year 2009 Unemployment Account to the Fiscal Year 2009 Town Auditor Accounting & Audit Account. The Manager provided an overview of the transfer. Councilor Sideris moved the resolution, seconded by Councilor Devaney and adopted by unanimous roll call vote.

7. PRESIDENT'S REPORT

- a) Clarification of the role of the Council President vis-a-vis his attendance at departmental meetings. Councilor Piccirilli moved to refer to the

Committee on Rules and Ordinances a request to clarify the role of the Council President regarding the development of the Town's annual budget. He stated that he did not believe the best way to resolve this issue was for the Council President to file a lawsuit against the Town in Superior Court. The motion was seconded by Councilor Sideris and adopted by voice vote. The Chair stated that the subcommittee should look at the original Charter and its authors' intent.

- b) The need for adequate office space for the Veterans' Officer – referral to subcommittee. Councilor Sideris moved to refer the matter to Economic Development and Planning, seconded by Councilor Lawn and adopted by voice vote. Councilor Devaney stated that rather than refer this matter to subcommittee, the Council should have just direct the Manager to find the Veterans' Officer a larger office.

The Chair stated that rather than going outside to have the subcommittee minutes drafted, the Council Clerk will provide secretarial support in drafting minutes for subcommittees.

Councilor Devaney stated that she will continue to draft her minutes for the subcommittee of Rules and Ordinances; as the assigned Clerk.

8. COMMUNICATIONS FROM THE TOWN MANAGER

The Town Manager announced an awards ceremony honoring Fire Chief Orangio by Sons of Italy for outstanding services by an Italian/American official.

- a) Update on Fiscal Year 2010 Budget Issues. The Manager provided an update on the Fiscal Year 2010 Budget Issues. He reviewed the previously announced deficit numbers and newly updated deficit numbers. He noted that this cut tonight will force him to develop the budget with a 20% reduction in local aid along and with the additional challenge of having a shortfall of \$819,000; less money than last June. He urged the School Teachers' Association to work with the School Committee to provide relief in the 2010 budget. On the Town's side there is a million dollar shortfall and two weeks to develop the budget, he noted. Even with a wage freeze, there still needs to be a reduction on the town's side of the budget and asked for everyone's assistance in balancing this budget two weeks from tonight.

9. REQUESTS FOR INFORMATION

Councilor Devaney stated with respect to gym rentals, the Council should have the School Business Director make a presentation to the Town Council. She requested a legal opinion on how the Council's subcommittee can schedule a meeting on school

buildings and how that is not usurping the School's authority. She noted that we have no authority on this matter.

Attorney Reich stated that the Town Auditor requested certain documents regarding the use of town facilities as part of a fact finding process to be reviewed by the Council's subcommittee.

The Manager indicated that the Town Council referred this matter to the subcommittee of Human Services which oversees recreation; and that prioritizing how gym space is used is part of that under recreational opportunities.

Councilor Piccirilli stated that it is important for the Town to go on record in opposition to a petition submitted by Verizon which seeks to remove the current requirement of reporting the number of subscribers they have. Councilor Piccirilli asked the Manager if the Town will be submitting a response to this by the May 1st deadline. The Town Manager indicated that he will have the Town Attorney write up a document for his signature.

Councilor Kounelis read two sentences of an unsigned letter into the record (attached) regarding illegal apartments. "Last week there was a terrible fire in Quincy where a father and his two sons died in an illegal basement apartment. One big question is the town liable for something like what happened in Quincy, if they have the knowledge of one of these illegal apartments?"

Councilor Kounelis read Council Rule 11.3 and 11.4 regarding subcommittees.

Councilor Kounelis stated that she was notified by a resident from Winthrop Street that the Hosmer School's basketball court had not been striped after the school's renovations were completed four years ago. Only the blacktop and backboards were replaced. The Town Council has been invited to tour all the school properties prior to the annual school openings to view the summer construction projects. Never was the basketball court noted as a punch list item or capital improvement project. She spoke with Mr. Francione and Mr. Paolillo. She then spoke to the Manager who contacted Dr. Hiersche. Funds were identified in the bond anticipation account to complete the project. The councilor thanked the Manager for following up on the unfinished project.

Councilor Kounelis provided an update on Question 2 or house bill #1285 noting that the matter has been sent to the Judiciary Committee at the State House.

10. ANNOUNCEMENTS – none noted.

11. PUBLIC FORUM

David Downes, World in Watertown – announced that his group is sponsoring a presentation of I Can't Believe You Just Said That – words can hurt. Thursday at the Main Library.

James Bean, Pine Street – regarding a previous referral to subcommittee, Mr. Bean questioned the need or priority for the subcommittee to meet to determine the adequacy of the Veterans' Officer's office space.

12. ADJOURNMENT

There being no further business to come before the Town Council, Councilor Sideris moved to adjourn the meeting at 10:45 pm, seconded by Councilor Falkoff and adopted by voice vote.

I hereby certify that at a regular meeting of the Town Council for which a quorum was present, the above minutes were adopted as amended on April 28, 2009.

Clyde L. Younger, Council President